



## DEPARTMENT OF THE ARMY

US ARMY GARRISON BENELUX

UNIT 21602

APO AE 09703-1602

REPLY TO  
ATTENTION OF

IMEU-CHV-LG

22 June 2005

### MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAG Benelux Command Policy Letter 15\*, Procedure for Processing Financial Liability Investigations of Property Loss when Dutch Host Nation Employees (HN) is involved.

#### 1. References:

- a. AR 735-5, Policies and Procedures for Property Accountability, 28 February 2005.
- b. Civil Service Regulation for the Defense Organization (Burgerlijk Ambtenarenreglement Defensie (BARD)).
- c. NATO Status of Forces Agreement, London 19 June 1951, Basic Text Part I, Article VIII

2. Listed below are the procedures for Processing Liability Investigations of Property Loss when Dutch Host Nation Employees (HN) is involved.

3. When the appointing authority can establish from the information contained in blocks 9 and 10, DD Form 200 and attached exhibits that there is no evidence of negligence or willful misconduct, the appointing authority may recommend relief without further investigation. The appointing authority will forward DD Form 200, exhibits, and recommendation to the approving authority for approval.

4. When the appointing authority can establish from the information contained in blocks 9 and 10, DD Form 200 and attached exhibits, or with the findings and recommendations of a Financial Liability Investigation Officer that there is evidence of intentionally or willfully reckless negligence, the appointing authority must:

- a. Notify the HN employee, in writing (in appropriate language), stating the facts and his/her intent to recommend disciplinary action or pecuniary liability assessment depending on the severity of the negligence. The appointing authority must include the following phrase in the notification: "You have 15 calendar days from the date of receipt to submit a rebuttal through your supervisor to the appointing authority". On receipt of a rebuttal statement, (if received within the allotted time) the appointing authority will consider the Financial Liability Investigation of Property Loss Report with any new evidence provided, or allegations of error presented by the HN employee.

- b. The appointing authority will forward the completed DD Form 200, exhibits, copy of the notification and response, if there is one, and recommendation to the approving authority.


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c. The approving authority will personally review the financial liability investigation, and when (he/she) believes liability is appropriate, the approving authority will obtain a legal opinion as to its legal sufficiency prior to determining whether to assess financial liability. Upon return of the official legal review, the approving authority will adopt the recommendations of the Financial Liability Investigation Officer or, alternatively, make a decision contrary to the recommendations of the financial liability officer to relieve all concerned from liability.

d. If the Liability Investigation Officer recommends financial liability assessed HN personnel and the approving authority concurs, the approving authority will forward the completed report and his recommendation to the Dutch Ministry of Defense (DMOD) or (his/her) delegated representative. In accordance with the Dutch Civil Service Regulation for the Defense Organization (CSRDO), Article 85 the DMOD authority are authorize to take disciplinary action, assess financial liability, or make a decision contrary to the recommendations relieving all concerned from financial liability. If there is no evidence of intentional act, omission, or willful recklessness, HN employee will not be held pecuniary liable.

5. Point of contact is Mr. Ton Fiddlers, Program Analyst, DSN 360-7676.

  
DEAN A. NOWOWIEJSKI  
COL, AR  
Commanding

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